

### **REMARKS**

Claims 2 and 5-10 have been amended herein. Claims 11-34 have been added. Claims 1-34 are now pending in the Application. The amendments to claims 2 and 5-10 are in the nature of clarifications and corrections of typographical errors and do not narrow the scope of the claims. No new matter has been added. Entry of the amendment is respectfully requested. Reconsideration is respectfully requested.

### **Rejections Pursuant To 35 U.S.C. § 101**

In the Action, claims 1-10 were rejected pursuant to 35 U.S.C. § 101 because the claimed invention was asserted to be directed to non-statutory subject matter. This rejection is respectfully traversed.

Applicants respectfully submit that the method claims 1-10 recite patentable subject matter. MPEP § 2106 IV(2)(b)(i) states that “[a] process is statutory if it requires physical acts to be performed outside the computer independent of and following the steps to be performed by a programmed computer, where those acts involve the manipulation of tangible physical objects and result in the object having a different physical attribute or structure. *Diamond v. Diehr*, 450 U.S. at 187, 209 USPQ at 8. Thus, if a process claim includes one or more post-computer process steps that result in a physical transformation outside the computer (beyond merely conveying the direct result of the computer operation), the claim is clearly statutory.”

Claim 1 recites an act that involves the manipulation of tangible physical objects, namely in step (c) the step of “performing the first transaction function with the first transaction function

device.” An example of a transaction function device performing a transaction function includes a cash dispenser dispensing cash. Examples of other transaction function devices and transaction functions are found in the Specifications such as at Page 14, Line 20 to Page 15, Line 9. Step (c) of claim 1 results in a physical transformation outside of a computer and therefore is clearly statutory subject matter under the safe harbor provisions of MPEP § 2106 IV(2)(b)(i). It follows that claims 2-10 which depend from claim 1 recite statutory subject matter for at least the same reasons. Thus, it is respectfully submitted that the 35 U.S.C. § 101 rejection of claims 1-10 should be withdrawn.

**The Pending Claims Are Not Obvious in View of the Applied Art**

Claims 1-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Drummond, et al., U.S. Patent No. 6,505,177 (“Drummond”).

This rejection is respectfully traversed.

**Common Ownership of Present Application  
And the Drummond Reference**

It is respectfully submitted that the present Application and the Drummond reference (U.S. Patent No. 6,505,177), at the time the invention of the present Application was made, were owned by the same entity or subject to an obligation of assignment to the same entity, namely Diebold, Incorporated.

It follows that under 35 U.S.C. 103(c) the Drummond reference is disqualified from being used in a rejection under 35 U.S.C. 103(a) against the claims of the present

Application. It is respectfully submitted that the 35 U.S.C. § 103(a) rejection should be withdrawn. As no other prior art has been cited in the Action as a basis for rejecting the claims, it is respectfully submitted that all of the pending claims are allowable.

In addition, the present Application and the Drummond reference both share priority to a common set of applications. The present Application is a continuation-in-part of application serial no. 09/193,787 filed November 17, 1998 and claims the benefit of provisional application serial no. 60/149,765 filed August 19, 1999. As with the Drummond reference, application serial no. 09/193,787 is a continuation-in-part of application serial no. 09/077,337 filed as PCT/US97/21422 on November 25 1997 and claims the benefit of provisional application serial nos. 60/031,956 filed November 27, 1996; 60/091,887 filed July 7, 1998; 60/095,626 filed August 7, 1998; and 60/098,907 filed September 2, 1998.

It is respectfully requested that the claim to priority under 35 U.S.C. §§ 119 and 120 be acknowledged on form PTOL-326. The Specification has been amended herein to include a cross reference to related application section.

### **The New Claims**

New Independent claims 12 and 22 generally correspond to independent claim 1. Support for new claims 11-34 is found in the Specification, Drawings and the original claims. These claims recite features, relationships and steps recited in the original claims and are allowable for at least the same reasons. As no prior art has been cited which discloses or suggests the features and relationships that are specifically recited in the new claims, it is respectfully submitted that the new claims are allowable for these reasons.

### **Additional Claim Fees**

Please charge the fees associated with presentation of fourteen additional total claims (\$252) and any other fee due, to Deposit Account No. 09-0428 of InterBold.

### **Conclusion**

Each of Applicant's pending claims is directed to statutory subject matter pursuant to 35 U.S.C. 101. In addition, the cited reference of Drummond is disqualified as prior art pursuant to 35 U.S.C. 103(c). Each of Applicants' pending claims specifically recites features and relationships that are neither disclosed nor suggested in the prior art. Furthermore, the prior art is devoid of any such teaching, suggestion, or motivation for combining features of the prior art so as to produce Applicants' invention. Allowance of all of Applicants' pending claims is therefore respectfully requested.

The undersigned will be happy to discuss any aspect of the Application by telephone at the Examiner's convenience.

Respectfully submitted,



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